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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,215	03/24/2006	Dieter Doehring	BARDP0126US	4813
23908 7590 07/07/2011 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115				
EXAMINER				
OTHERN, BRENT T				
ART UNIT		PAPER NUMBER		
1783				
MAIL DATE		DELIVERY MODE		
07/07/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,215

Applicant(s)

DOEHRING, DIETER

Examiner

BRENT O'HERN

Art Unit

1783

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,8-14 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,8-11 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims

1. Claims 2, 4, 8-14 and 17-20 are pending with claims 12-14 withdrawn. Note: for future reference withdrawn claims 12-14 depend on cancelled claims.

WITHDRAWN REJECTIONS

2. All rejections of record in the Office action mailed 3/17/2011 have been withdrawn due to Applicant's arguments in the Paper filed 6/16/2011.

Section Headings

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. Section headings including (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S) are missing. This issue was previously set forth in the Office action mailed 3/17/2011. Applicant has not addressed.

Abstract

5. The abstract of the disclosure is objected to because it does not describe the invention. The claims are directed to a paper for a laminate panel while the Abstract is directed to coated particles. Correction is required. See MPEP § 608.01(b). This issue was previously set forth in the Office action mailed 3/17/2011. Applicant has not addressed.

NEW REJECTIONS

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

7. Claims 2, 4, 8-11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dohring et al. (US 2003/0138600).

Independent claim 19 is broad. Applicant may want to consider incorporating language into claim 19 a specific composition and amount for the resin and a specific composition and amount for the adhesion promoter and method steps for making the product as set forth in the Specification including a drying step for the coated particles

prior to distribution on the paper. There appears to be subject matter in the Specification as filed to distinguish the references of record. Applicant is advised to consider making the necessary amendments to distinguish the prior art of record.

Regarding claims 2, 4, 8-9, 11 and 17-20, Dohring ('600) teaches paper for a laminate panel with a decorative paper filled with an acrylate provided with a décor having a weight of 20 to 60 g/m² and is impregnated with an amino resin for forming a resin matrix and comprises abrasion-resistant particles having a diameter of 50 to 200 μm /(90 to 130 μm) made of silicon carbide or aluminum oxide and containing corundum that are coated with a silane adhesion promoter and are integrated into the resin matrix (*See paras. 20-31.*), however, fails to expressly disclose the outer coating consisting of an amino-silane adhesion promoter.

The claims do not set forth a specific composition and amount for the resin and a specific composition and amount for the adhesion promoter or a method of making the product. The claims do not state the coated particles are dried with any specific composition prior to application to the paper. Thus, the entire composition as set forth in paragraph 30 of Dohring including the amino resin and silane are interpreted as an amino-silane adhesion promoter. Furthermore, amino resins and silanes are common materials used with particles/paper for panels. Thus, it would either have been obvious that the composition as set forth in paragraph 30 of Dohring is either the same as claimed or would have been obvious through routine optimization to formulate these known amino-silane materials so as to form an effective composition that effectively bonds the particles to the paper. The particles in Dohring are meant to be bonded and

not come off and a person having ordinary skill in the art would know how to formulate an effective composition.

Regarding claim 10, Dohring ('600) obviously teaches the abrasion resistant particles being in a plane (*See paras. 20-31 where the paper is planar, thus, providing for the particles being embedded within the paper to also be in a planar orientation.*).

ANSWERS TO APPLICANT'S ARGUMENTS

8. In response to Applicant's arguments (*See pp. 1-4 of Applicant's Paper filed 6/16/2011.*) regarding Dohring (WO 00/44984) published August 3, 2000, Dohring (US 6,835,421), O'Dell et al. (US 5,545,476), Mafoti et al. (US 5,804,618), Shirono et al. (WO 01/21529) and Shirono et al. (US 6,994,834), it is noted that said references are no longer cited, thus, said arguments are moot.

9. In response to Applicant's arguments (*See pp. 1-4 of Applicant's Paper filed 6/16/2011.*) regarding Dohring it is noted that Applicant appears to only specifically address the teachings of Dohring (WO 00/44984). Said reference is no longer cited.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENT O'HERN whose telephone number is (571)272-6385. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRENT O'HERN/
Primary Examiner, Art Unit 1783
June 24, 2011